

## OSEP Compliance Agreement Summary

### Introduction

On January 6, 2003, pursuant to an onsite monitoring visit to SC in February 2002 by the Office of Special Education Programs of the U.S. Department of Education (OSEP), the U.S. Department of Education (Department) issued a final monitoring report that documented non-compliance by the South Carolina Department of Health and Environmental Control's (DHEC) with Part C of the Individuals with Disabilities Education Act (Part C of IDEA). On May 1, 2003, pursuant to a DHEC request to enter into a compliance agreement in April 2002, the Office of Special Education Programs of the U.S. Department of Education (OSEP) conducted a public hearing regarding DHEC's ability to comply with Part C. The hearing and testimony from representatives of other South Carolina (SC) agencies, Part C providers, parents and other individuals confirmed that, under 20 U.S.C. §1234c, DHEC is not in compliance with Part C but is able to come into compliance with Part C within three years. The hearing and testimony further supported the development of a compliance agreement in order to bring DHEC into compliance with Part C as soon as feasible and to allow continuation of Part C funds to South Carolina during this process. On May 31, 2003, the Department agreed with DHEC's proposal to pursue a voluntary Compliance Agreement as a means of ensuring a continued flow of Part C funds to South Carolina (SC) while a structured plan to come into compliance is implemented by SC. DHEC, in conjunction with Department officials, jointly prepared this Compliance Agreement.

DHEC agrees that its continued eligibility to receive Part C funds is predicated upon compliance with statutory and regulatory requirements of that program, which includes requirements not addressed specifically by this Agreement. If DHEC fails to comply with any of the terms and conditions of the Compliance Agreement, the Department may consider the Agreement no longer in effect. Under such circumstances, the Department may take any action authorized by law, including the withholding of funds, the issuance of cease and desist order, referral to the U.S. Department of Justice, or other actions. See, 20 U.S.C. §1234f, 20 U.S.C. §1234d.

### **GENERAL SUPERVISION**

**Outcome:** The Department of Health and Environmental Control will ensure that all eligible infants and toddlers and their families have available appropriate early intervention services in accordance with Part C requirements through the development and implementation of an interagency comprehensive monitoring and general supervision system that includes a continuous improvement and focused monitoring process.

- Goal 1: Monitoring policies, procedures, and instruments will allow for the identification of compliance deficiencies and ensure these are corrected in a timely manner.
- Goal 2: Ongoing technical assistance and training to public and private providers, administrators, paraprofessionals, and special instructors will be provided to assure compliant provision of services to infants and toddlers with disabilities and their families.
- Goal 3: Graduated sanctions will be used when necessary to enforce correction of deficiencies.
- Goal 4: A complaint process will be implemented that ensures access to Part C procedural safeguards and provides input into system monitoring.

**Verification:** In its quarterly report to OSEP, DHEC shall provide summaries of the status of each of the above goals (consistent with the General Supervision Compliance Work Plan) and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BNCT. DHEC shall also provide in its quarterly reports, summaries of progress in meeting the target completion dates for each of the activities identified under general supervision, including (1) legislation to reflect compliance with Part C and monitoring authority, (2) an interagency

memorandum of agreement that focuses on monitoring with all SC agencies that provide Part C services, (3) procedures for enforcing or correcting identified non-compliance, including use of graduated sanctions and (4) the procedures for filing and disposing of in a timely manner state complaints and due process hearing requests. In addition, DHEC will submit the verification data and/or documentation listed in the attached General Supervision Compliance Work Plan on the dates the quarterly reports are due to OSEP.

## **CHILD EVALUATION**

**Outcome:** SCDHEC will ensure that infants and toddlers are evaluated in all 5 developmental areas within 45 calendar days from referral.

Goal 1: SCDHEC will ensure that evaluations and assessments are completed in all five developmental areas – cognitive development, physical development, including vision and hearing, communication development, social or emotional development and adaptive development.

Goal 2: SCDHEC will ensure that evaluations and assessments are completed within the 45-day timeline.

**Verification:** Each BN Coordination Team will demonstrate incremental, continuous improvement in eliminating waiting lists for evaluation and assessment each quarter. Quarterly benchmarks, representing adequate quarterly progress (AQP), will be established for each BN Coordination Team and incorporated in the BN Coordination Team's Compliance Plan. Benchmarks will take the BNCT from their specific baseline in this area and ensure continuous substantial progress that meets that BNCT's AQP until there are no children on waiting lists for evaluation and assessment. DHEC will monitor each BNCT to ensure that AQP is made and will intervene directly with individual BNCTs, as necessary. In its quarterly report to OSEP, DHEC shall provide monthly summaries, by each BabyNet Coordination Team and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BN Coordination Team.

## **TRANSITION**

**Outcome:** Transition planning results in needed supports and services available and provided, as appropriate, to all eligible children and their families when exiting Part C.

Goal 1: SCDHEC will ensure that the local education agency is notified of children who are approaching the age for transition.

Goal 2: SCDHEC will ensure that a transition meeting is held in accordance with the requirements of Part C of IDEA.

Goal 3: SCDHEC will ensure that transition plans are developed and implemented in accordance with the requirements under Part C of IDEA so that all children exiting Part C receive the services they need by their third birthday.

Goal 4: With parent consent, SCDHEC will track children leaving Part C who are eligible for Part B services to determine if they are receiving special education and related services by their third birthday.

**Verification:** Each BN Coordination Team will demonstrate incremental, continuous improvement in reducing the number of eligible children who have not received required Part C Transition planning and services in a timely manner when exiting BabyNet. Quarterly benchmarks, representing adequate quarterly progress (AQP), will be established for each BN Coordination Team and incorporated in the BN Coordination Team's Compliance Plan. Benchmarks will take the BNCT from their specific baseline in this area and ensure continuous

substantial progress that meets that BNCT's AQP until all eligible children receive required Part C Transition planning and services in a timely manner when exiting BabyNet. DHEC will monitor each BNCT to ensure that AQP is made and will intervene directly with individual BNCTs, as necessary. In its quarterly report to OSEP, DHEC shall provide monthly summaries, by each BabyNet Coordination Team and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BN Coordination Team.

## **IFSP & SERVICES**

**Outcome:** SCDHEC will ensure the development and implementation of IFSPs for all eligible children and their families in a timely manner.

Goal 1: All IFSPs will contain the required components in accordance with Part C.

Goal 2: All children and their families will receive all services identified on their IFSP in a timely manner.

**Verification:** Each BN Coordination Team will demonstrate incremental, continuous improvement in ensuring all infants and toddlers receive timely evaluations and assessments, including vision and hearing within the 45-day timeline. Quarterly benchmarks, representing adequate quarterly progress (AQP), will be established for each BN Coordination Team and incorporated in the BNCT Compliance Plan. Benchmarks will take the BN Coordination Team from their specific baseline in this area and ensure continuous substantial progress that meets that BNCT's AQP until all children receive timely evaluations and assessments, including vision and hearing within the 45-day timeline. DHEC will monitor each BNCT to ensure that AQP is made and will intervene directly with individual BNCTs, as necessary. In its quarterly report to OSEP, DHEC shall provide monthly summaries, by each BabyNet Coordination Team and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BN Coordination Team.

## **CHILD FIND / PUBLIC AWARENESS**

**Outcome:** SCDHEC will ensure the development and implementation of a comprehensive, coordinated public awareness/child find system that results in the identification, evaluation, and assessment of all eligible infants and toddlers.

Goal 1: The percentage of infants and toddlers determined eligible for Part C will be comparable to current national demographic data for percentage of infants and toddlers with developmental delays.

Goal 2: The percentage of infants and toddlers determined eligible for Part C will be comparable to State race/ethnicity data for percentage of infants and toddlers.

Goal 3: Families will have access to culturally relevant materials that inform and promote referral of eligible infants and toddlers to the Part C system.

**Verification:** Within the first week of each month and each month thereafter, each BabyNet Coordination Team will prepare a report regarding the Child Find verification data listed in the Child Find Compliance Work Plan. In its quarterly report to OSEP, DHEC shall provide monthly data summaries, by each BabyNet Coordination Team, and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BabyNet Coordination Team.